

21.08.2023
Srimanta
Sl. No. 33
Ct. No. 14

WPA/17890/2023

Sri Agnish Adhikari & Anr.
-Vs.-
State of West Bengal & Ors.

Mr. Tushar Sinha Mahapatra
...for the petitioners.
Ms. Ipsita Banerjee,
Mr. Tarak Karan
...for the State.
Mr. Sobhan Majumder,
Mr. Kalpita Paul
...for the respondent no. 6.

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to take action towards the complaints of the petitioners and to demolish the illegal construction made by the private respondents.

Affidavit-of-service filed on behalf of the petitioners is taken on record.

Report filed on behalf of the State is also taken on record.

Learned Counsel appearing on behalf of the petitioners submits as follows. The petitioner no. 2 is the father of the petitioner no. 1. They own the property in question. The private respondents are the adjacent land owners who are encroaching upon the petitioners' property and constructing a building. The petitioners have already filed a civil suit in this regard, which is pending. In the meantime, the petitioners apprehend that the private respondents would further disturb and commit some harm on the petitioners. Police help was sought in this regard, but no action has been taken.

Learned Counsel appearing on behalf of the respondent no. 6 submits as follows. The allegations made in the writ petition are denied. The private respondents are having a sanctioned plan to construct building over the land in question.

Learned Counsel appearing on behalf of the State relies on the report and submits as follows. A civil suit is pending between the adverse parties over the property in question. However, after receiving a complaint from the petitioners, the Police have already initiated a proceeding under Section 107 of the Code of Criminal Procedure. The Police are keeping a sharp vigil in the area.

I have heard the learned Advocates for the parties and have perused the writ petition and the report filed by the State.

It appears that there exists a civil dispute between the adverse parties. In fact, a civil suit has been filed by the petitioners, which is pending.

So far as the question of threats to the petitioners is concerned, the Police have already taken step by initiating a proceeding under Section 107 of the Code.

However, in the event any more threat or other untoward incident takes place, the petitioners shall be at liberty to approach the local Police Station who shall act in accordance with law.

The Police Authorities shall keep a sharp vigil at the locale and ensure that no breach of peace is taken place and no order of a civil Court is violated.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Jay Sengupta, J.)